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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,880	05/21/2004	Shohei Fujisawa	119822	8700
25944	7590	08/14/2006	EXAMINER	
OLIFF & BERRIDGE, PLC			MACCHIAROLO, PETER J	
P.O. BOX 19928			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320			2879	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/849,880

Applicant(s)

FUJISAWA, SHOHEI

Examiner

Peter J. Macchiarolo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 and 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The reply filed on 05/25/2006 consists of changes to the claims and remarks related to the prior rejection of claims in the previous Office Action. The above have been entered and considered. However, pending claims 1-19 and 23-25, with claims 15-19 and 23-25 being withdrawn, are not allowable as explained below.

### ***Specification***

The substitute specification filed 11/05/2004 has been entered as per 37 CFR 1.125(b) and (c).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa et al (USPN 20040032744; "Nishizawa") in view of Bertling et al (USPN 5440456; "Bertling").**

Regarding claim 1, Nishizawa discloses in figure 1 a light source unit, comprising: an arc tube (30) having a light emitting section (not labeled), electrodes (not labeled) and sealed sections (not labeled) provided on both sides of the light emitting section, discharging emission

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being performed between the electrodes; an elliptic reflector (20) having a reflecting surface (not labeled) of a substantially elliptical shape (see paragraph 36) to emit a luminous flux radiated from the arc tube (30) in a certain direction; a lens (50); a lamp housing (10) to set a direction of an optical axis (center line) of the elliptic reflector (20), the lamp housing (10) including a lens positioning member (44) in which the lens (50) is fixed, the lens (50) being positioned and fixed to the lamp housing (10) by the lens positioning member (44, see paragraph 39) in a state in which the optical axes (single centerline) of the elliptic reflector (20) and an optical axis of the lens (50) are aligned.

Nishizawa is silent to the lens being a collimating lens.

However, Bertling teaches in figure 1 that using a collimator lens (24) in conjunction with a light source (15) forms a prescribed sufficient illumination intensity distribution in accordance with corresponding regulations (see col. 1, ll. 49-60).

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the light source unit of Nishizawa with a collimating lens in order to forms a prescribed sufficient illumination intensity distribution in accordance with corresponding regulations.

Regarding claim 2, Nishizawa discloses in figure 1 the lens positioning member (44) is formed integrally with the lamp housing (10, via brackets 100a).

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa in view of Bertling in further view of Applicant cited Inaba (JP 2000028887; "Inaba").**

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Regarding claim 3, Nishizawa discloses fixing the lens to the lens position member by using screws.

Nishizawa and Bertling are silent to using an adhesive agent, and specifically, a thermal caulking.

However, using an adhesive such as thermal caulking instead of screws is an obvious modification to reduce manufacturing time, as evidenced by Inaba. One would be further motivated to this arrangement based on material availability and certain platform requirements.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Nishizawa and Bertling with thermal caulking.

**Claims 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa in view of Bertling in further view of Chouji et al (USPN 6161953; "Chouji").**

Regarding claim 4, Nishizawa and Bertling are silent to fixing the positioning member with an adhesive agent.

However, using an adhesive or using screws are art recognized equivalents, as evidenced by Chouji. Further, one would be motivated to substitute an adhesive for a screw in Nishizawa and Bertling's device for a variety of reasons, including material availability, and operation methods requiring sensitive parameters.

Therefore, because these two materials were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute an adhesive for a screw in Nishizawa and Bertling's device.

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Regarding claim 5, Nishizawa discloses in figure 1 the light source unit is formed with a flange (42) on the outer periphery of the lens.

Regarding claim 6, Nishizawa discloses an entire outer peripheral surface of the collimator lens (42) is adhered and fixed to the lens positioning member (44).

Regarding claim 7, Nishizawa discloses an angle of an extremity of the flange (42) formed around the outer periphery of the collimator lens (50) is an acute angle between 30 and 90°.

Even if Nishizawa did not show this configuration, this is an obvious configuration to one skilled in the art would, since this configuration will allow for easy manufacturing and assembling techniques.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Nishizawa, Bertling, and Chouji with an angle of an extremity of the flange formed around the outer periphery of the collimator lens being an acute angle between 30 and 90° to allow for easy manufacturing and assembling techniques.

Regarding claim 8, the Examiner notes that the preamble recites that the light source is used for in a projector. This is an intended use type preamble, since it merely recites the intended use of a light source. Where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone, the

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preamble is generally not accorded any patentable weight. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In this case, the preamble has been considered, however is not patentable over the prior art since the light source of Nishizawa can be used in a projector.

Regarding claims 9-14, the limitations therein have been previously addressed above and will not be repeated here. The reasons for combining and motivation are the same as previously discussed.

### ***Response to Arguments***

Applicant's arguments filed 05/25/2006 have been fully considered but they are not persuasive.

Applicant alleges Nishizawa is not available as prior art since Applicant claims priority from JP-A-2003-145108 filed May 22, 2003, which is prior to the filing date of Nishizawa, August 14, 2003. Applicant will submit an accurate English-language translation of the priority document in compliance with MPEP §201.13. However, the Examiner notes that no such submission has yet been received by the Patent Office. Therefore, the rejection to Nishizawa remains in accordance with 37 CFR 1.55. See MPEP § 201.15. In view of the above discussion, and since Applicant has not presented any other arguments, the above rejections are deemed proper.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished



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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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